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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/063,366	04/16/2002	Thomas L. Toth	GEMS8081.102	4573
27061 7590 04/16/2008 ZIOLKOWSKI PATENT SOLUTIONS GROUP, SC (GEMS) 136 S WISCONSIN ST PORT WASHINGTON, WI 53074				
EXAMINER ROY, BAISAKHI				
ART UNIT 3737		PAPER NUMBER		
NOTIFICATION DATE 04/16/2008		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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### Office Action Summary

**Application No.**

10/063,366

**Applicant(s)**

TOTH, THOMAS L.

**Examiner**

BAISAKHI ROY

**Art Unit**

3737

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 March 2008.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-27 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date 3/26/08  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon et al. in view of Rosenthal (4017192). Gordon et al. disclose a CT system comprising: a rotatable gantry (124) having an opening (126) for receiving a subject to be scanned; an HF electromagnetic energy source (128) configured to project a number of HF electromagnetic energy beams toward the subject; a generator (136) configured to energize the HF electromagnetic energy source to at least a first energy state ( $V_1$ ) and a second energy state ( $V_2$ ) (col. 7, lines 12-32); a number of HF electromagnetic energy filters (270, 272) positional between the HF electromagnetic energy source and the subject, the number of HF electromagnetic energy filters include at least a first filter (270) and a second filter (272).

The system includes the method of positioning the first filter (270) between the HF electromagnetic energy source and the subject when the HF electromagnetic energy source is energized to the first energy state, a first voltage ( $V_1$ ) and the second filter (272) is positioned between the HF electromagnetic energy source and the subject when the HF electromagnetic energy source is energized to the second energy state, a second voltage ( $V_2$ ) (col. 13, lines 57-66); and wherein only one of the first filter and the

second filter is positioned between the HF electromagnetic energy source and the subject when the HF electromagnetic energy source is energized either to either one of the first energy state or the second energy state. Gordon et al. also teach said electromagnetic energy source and filters being rotatable about the subject (col. 14 lines 5-17).

The filtering apparatus includes a center portion of the wheel having a generally circular cross-section (col. 13 lines 15-20), with segments or connection ports for each filter up to six filters (col. 13 lines 24-39).

The scanner is useful for scanning luggage or mail packages (col. 16 lines 45-48).

With respect to the filtering apparatus structure, the individual filter segments, 270 and 272 as the spokes extending from the center of the metal disk 262. Gordon clearly teaches a filter 262, divided into six thin and thick segments alternately disposed on the metal disk (col. 13, lines 24-39). Therefore the filtering segments in Gordon are in a spoked relationship with respect to the center. The segments themselves are the spokes extending radially from the center of the disk to a rim. Gordon also teaches that the segments 270, 272 are alternately disposed as the filter rotates between the two energy levels (col. 14 lines 50-67, col. 15 lines 1-9) and would therefore be obvious to one of ordinary skill in the art that the filtering apparatus demonstrates the spoked relationship of the filter segments with respect to the center of the disk. However Gordon et al. do not explicitly teach a hub structure. In the same field of endeavor Rosenthal discloses an optical system and method for detecting tissue abnormalities

and includes a filtering apparatus. The multiple filter assembly 20 is in the form of a paddlewheel with three optical interference filters 22 mounted on a hexagonal axle 24. It would have therefore been obvious to one of ordinary skill in the art to use the teaching by Rosenthal to modify the teaching by Gordon et al. for enabling effective rotation of the paddlewheel and the filters for effective illumination of the specimen.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BAISAKHI ROY whose telephone number is (571)272-7139. The examiner can normally be reached on M-F (7:30 a.m. - 4p.m.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian L. Casler can be reached on 571-272-4956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brian L Casler/

Art Unit: 3737

Supervisory Patent Examiner, Art  
Unit 3737

BR

/B. R./

Examiner, Art Unit 3737